

I. Introduction

Claims 1-12, 19, 21, and 23-25 are pending in the application. In the Office Action dated Sept. 20, 2005, the Examiner rejected claims 1-5, 19, and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,442,391 ("Johansson"). Further, claims 6-12 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,138,003 ("Kingdon") in view of Johansson. Applicant respectfully requests reconsideration of the claims and withdrawal of the rejections in light of the following remarks.

II. Johansson Does Not Anticipate the Independent Claims

The Examiner rejected claims 1-5, 19, and 21 as being anticipated by Johansson. As discussed in Applicant's response to the Office Action dated May 13, 2005, independent claims 1, 19, and 21 each recite that a device requesting a location is ***prohibited from knowing both the identifier and the location of the wireless communications device***. There appears to be no dispute that Johansson fails to disclose at least a system or method that prohibits a device from knowing both an identifier and a location of a wireless communications device.

To anticipate a claim, a reference must set for each and every element of the claim either expressly or inherently. (See MPEP § 2131). The Examiner has admitted "Johansson never mentions or disclose prohibiting a device from knowing **both an identifier and a location** of a wireless communication device," and that "Johansson only discloses prohibiting a device from knowing **a location** of a wireless device." (See Office Action dated Sept. 20, 2005, pages 3 and 4). There seems to be no dispute that Johansson fails to disclose a system or method that prohibits a device from ***knowing both an identifier and a location of a wireless communications device*** as recited in independent claims 1, 19, and 21. Therefore, due to the fact that to anticipate a claim a reference must set forth each and every element of the claim, Johansson necessarily cannot anticipate independent claims 1, 19, and 21, or any claims that are dependent on independent claims 1, 19, and 21. Applicant respectfully requests withdrawal of the rejection to claims 1-5, 19, and 21 as being anticipated by Johansson.

III. The Proposed Combination of Kingdon and Johansson Does Not Render Independent Claims 1, 23, and 25 Unpatentable

The Examiner rejected claims 6-12 and 23-25 as being unpatentable over Kingdon in view of Johansson. Like Johansson, Kingdon does not disclose or suggest ***prohibiting a device from knowing both an identifier and a location of a wireless communications device.***

To establish a prima facie case of obviousness, a proposed combination of references must teach or suggest each and every limitation of a claim. (See MPEP § 2142). As discussed above, the Examiner has admitted, "Johanson never mentions or disclose prohibiting a device from knowing **both an identifier and a location** of a wireless communication device." (See Office Action dated Sept. 20, 2005, pages 3). Like Johansson, Kingdon discloses a system for protecting **a location** of the mobile terminal only. Kingdon is directed to a telecommunications system that performs authorization checks prior to allowing a location service to position a mobile terminal within a cellular network. Kingdon does not disclose or suggest protecting **an identity** of the mobile terminal, let alone a method or system that ***prohibits a device from knowing both a location and an identify of a mobile terminal*** as in the currently-claimed invention.

Due to the fact neither Johansson or Kingdon disclose or suggest a method or system that ***prohibits a device from knowing both a location and an identify of a mobile terminal*** as recited in independent claims 1, 23, and 25, any combination of Johansson and Kingdon necessarily cannot render independent claims 1, 23, and 25, or any claims that are dependent on independent claims 1, 23, and 25, unpatenable. Applicants respectfully request withdrawal of the rejection to claims 6-12 and 23-25.

IV. CONCLUSION

In view of the foregoing remarks, Applicant submits that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott W. Brim", written over a horizontal line.

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